

# **The Kentucky State Board for Proprietary Education**

**September 16, 2011**

A regular meeting of the Kentucky State Board for Proprietary Education was conducted on September 16, 2011 at Lake Cumberland State Park in Jamestown, KY.

<b><u>Members Present</u></b> Bill Johnson, Chairman Jan Gordon, Vice Chair Alison Cuentas David Keene Glen Wilham Lois Weaver Dr. Steve Meade  <b><u>Members Absent</u></b> Vivian Nash Mike Powers	<b><u>Occupations and Professions Personnel</u></b> Lindsey Lane, Board Administrator Shannon Tivitt, Executive Director  <b><u>Others</u></b> Brenda Allen, General Counsel Capt. Fred Williams, Kentucky State Police Sgt. Derris Hedger, Kentucky State Police Les McGaughey, International Truck Driving
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Chairman Bill Johnson called the meeting to order at 10:19 am.

## **Approval of Minutes**

Minutes of the August 19, 2011 meeting were presented for the Board's review. Mr. Wilham made a motion to approve the minutes as presented. Ms. Gordon seconded that motion and it carried unanimously.

## **Review of Financial Report**

The financial report for the month ending August 31, 2011 was presented for the Board's review. Executive Director, Shannon Tivitt explained the new Financial Report now shows the Student Protection Fund separately from the General Fund. Ms. Tivitt informed the Board that she will send a breakdown of Fiscal Year 2011 expenditures by email when she returns to the office.

### **Licensure Status Report**

Ms. Lane presented the current Licensure Status Report to the Board. The report showed there are currently 118 Resident Schools and 29 Non-Resident Schools for a total of 147 licensed schools. There are 144 licensed school Agents and 20 CDL Instructors. The Board asked Ms. Lane to send Board Counsel a list of all schools that have still not renewed or reapplied for school licensure so the Board can begin working on retaining these closed school records.

### **Executive Director Report**

Ms. Tivitt spoke to the Board about the memo that was sent to each member by email regarding the Biennial Budget. The Office of Occupations and Professions has hired someone with past experience to help with Board budgets by looking at revenues and historical data.

Ms. Tivitt informed the Board that they will have their Ethics Training at their October meeting from the Ethics Commission. This training session should only last about ten to fifteen minutes.

### **Board Administrator Report**

Ms. Lane informed the Board of all actions that she had taken since the August 19, 2011 meeting. There was a deferral letter sent to the Lexington Bartending School for failure to submit a Certificate of Occupancy, the school did however receive their site visit from the Board Investigator. New Program Approval letters were sent to Emergency Medical Training Professionals located in Lexington, KY, Lake Cumberland CDL Training School located in Columbia, KY, and Dennis Badger & Associates located in Lexington, KY. Acknowledgement letters were sent to Spencerian College in Lexington, KY and Spencerian College in Louisville, KY for their Notifications to Revise an Existing Program for 25% or less. An Approval letter was sent to Nashville Auto-Diesel College located in Nashville, Tennessee for their application to Change the Name of their school from Nashville Auto-Diesel College to Lincoln College of Technology. A letter was also sent to Kentucky Dental Academy in Elizabethtown, KY requesting they submit something in writing to the Board that they requested their Resident School Application be removed from the Agenda for the Board's review.

Ms. Lane reported she was able to fulfill six of the eight Decker transcript requests received by the office.

### **Board Counsel Report**

Ms. Allen reported she had been in contact with Driver Solutions which was previously discussed in a Board meeting regarding their advertising and lack of a state license with the

Board. Ms. Allen informed the Board that they are not a school but a recruiting business for CDL schools. She feels they need to seek Agent Licenses from the Board as they are recruiting in the state of Kentucky for these schools and should have that license for the schools they are representing. Mr. Wilham made a motion that Ms. Allen look further into the matter and make this business aware of the agent license. Mr. Keene seconded that motion and it carried.

### **Board Chair**

Chairman Bill Johnson thanked everyone for coming to the work session at Lake Cumberland.

### **New Schools / Programs Committee**

#### **Application for a Resident School**

Mr. Keene made a motion to approve MG Medical located in Lexington, KY pending a site visit from the Board Investigator and the school submitting some missing PE-11's from one of the school owners that will serve as an Instructor. Mr. Wilham seconded that motion and it carried.

Dr. Meade made a motion to approve the Resident School application from Assist to Succeed located in Benton, KY pending a site visit from the Board Investigator. Ms. Weaver seconded that motion and it carried.

Mr. Wilham made a motion to defer the Resident School application from Mid-American Truck Driving School located in Bowling Green, KY until all documents are complete and submitted to the Board for their review. Ms. Gordon seconded that motion and it carried.

Ms. Gordon denied the Resident School application from HART CAN Program located in Bonnieville, KY until the appropriate paperwork is submitted to the Board. Ms. Lane will request the school fill out the Resident School application and submit to the Board for further review. Mr. Wilham seconded that motion and it carried.

#### **Application for a New Program**

Ms. Weaver made a motion to approve the two New Program applications submitted by Medical Career Training Center, located in Richmond, Kentucky. Approval covered the Medical Administration diploma and EMT-B with Phlebotomy diploma that the school will now offer. Mr. Keene seconded that motion and it carried.

Ms. Weaver made a motion to approve the New Program applications submitted by Lincoln College of Technology, located in Florence, Kentucky. This approval will cover the certificates in ICD-10-CM/PCS, Medication Assistant, Nursing Assistant, and Patient Care Technician. Dr. Meade seconded that motion and it carried.

### **Audit Committee**

Ms. Tivitt will be in contact with the Audit Committee members before the October meeting.

### **Commercial Drivers License Committee Report**

Mr. Wilham reported some CDL Instructors did not receive their Instructor license cards that they're required to have at all times. Ms. Tivitt asked Ms. Lane to resend all cards even if the Instructor already received their card from the office. Mr. Wilham also brought up records retention and how the CDL schools should look at a different method if a CDL school should happen to shut down their school. Ms. Tivitt suggested the full Board work on that together while making other regulation changes.

### **Complaint Review Committee Report**

The complaint review committee met and had the following recommendations for the full Board:

Ms. Cuentas made a motion to dismiss complaint #2011-003 and advise the school of the regulations they are to follow as a licensed school. Ms. Weaver seconded that motion and it carried.

### **Investigator Report**

Dr. Barren informed the Board that he visited Assist to Succeed in Benton, KY before attending today's meeting to make sure they understood the application process but will revisit the school for their licensure requirements and report back to Ms. Lane with his report.

### **Old Business**

Ms. Tivitt discussed the progress from the work session and asked all Board members to continue working on the items that still needed to be addressed by the Board. Ms. Tivitt discussed holding another Special Meeting in October to be sure any regulation changes were submitted to Board Counsel before December. Mr. Wilham made a motion to hold a Special Meeting on October 20, 2011 at the Office of Occupations and Professions. Mr. Keene seconded that motion and it carried.

Ms. Tivitt sent a letter to Truck America Training requesting a copy of the schools contract to see the relationship between the school and the community college. The copy of the contract was not received before the meeting so Ms. Tivitt will request this item be placed on the October agenda for the Board to review.

Lexington Bartending School has not been in compliance with the Change of Location regulations. The Board asked Ms. Allen to draft a letter requesting they submit their Certificate of Occupancy within ten days of receiving the letter. Ms. Lane will send to school once letter is drafted.

### **New Business**

Ms. Tivitt explained the current contract between Brenda Allen (Legal Counsel) and the Board for Proprietary Education. Ms. Allen's contract is good through June 2012 and Ms. Tivitt feels the Board should amend the current contract that reads up to Eighteen Thousand Dollars from May 2011 through June 2012 to add an additional Twelve Thousand for a total of Thirty Thousand Dollars. Mr. Wilham made a motion to amend the current contract for the additional Twelve Thousand Dollars. Ms. Weaver seconded that motion and it carried.

Ms. Lane presented a letter received by Nashville Auto-Diesel College located in Nashville, Tennessee requesting to rescind the Name Change Application they submitted at the August meeting and keep the current name of Nashville Auto-Diesel College. Ms. Gordon made a motion to honor their request. Dr. Meade seconded that motion and it carried.

### **Travel and Per Diem**

Ms. Gordon made a motion to approve travel and per diem for all members that attended today's meeting as well as any member that traveled on Board related business since the August meeting. Mr. Wilham seconded that motion and it carried unanimously.

### **Adjournment**

Mr. Wilham made a motion to adjourn the meeting. Mr. Keene seconded that motion and it carried unanimously.

Meeting adjourned at 12:15pm.